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FILED
CLERK OF COURT
J. CASLER
Circuit Court Clerk
37: Deella

Plaintiffs,

vs.

**APPLEBEE'S RESTAURANTS,
3066 Wilma Rudolph Blvd.
Clarksville, Tennessee
(Owner(s) Defendants set forth in
the Complaint) and APPALACHIAN
LAND & LEASING COMPANY, INC., and
SASNAK, INC.
Defendants.**

Docket No.: CC-2020-CV-62

Comes now, Wanda Fay Grimes Cherry, by Counsel, to respectfully sue the Applebee's Restaurant located at 3066 Wilma Rudolph Blvd, Clarksville Tennessee (herein the "Restaurant Defendant") and the landowner Appalachian Land & Leasing Company, Inc. as follows:

1. Wanda Fay Grimes Cherry is a citizen and resident of Clarksville, Tennessee, residing at 157 Summer Grove Lane, Clarksville, Tennessee 37043.

2. Suit is brought against the owner and operator of the Applebee's Restaurant located at 3066 Wilma Rudolph Blvd, Clarksville, Tennessee 37040. The actual owner is believed to be one of the following entities. Each of these entities are included as a Defendant in this civil action.

2.1. Applebee's Clarksville, LLC, which is an entity identified on the business record of the store in question.

2.2. Thrive Restaurant Group, which is a name provided by employees of the Restaurant.

2.3. Sasnak, Inc., a Kansas Corporation located at 1877 N. Rock Road, Wichita, Kansas 67206, owner, David Rolph, and Registered Agent Leroy J. Allen, Jr., N. Ste. 10, 5385 MDWS LK Dr., Memphis, Tennessee 38115.

2.4. Applebee's Grill & Bar, a Trade Name.

2.5. Woodland Group, Inc., 601 Main St., Ste. 102, Hazard, Ky 41701-1382.

2.6. Neighborhood Restaurants, Inc.

2.7. Dine Brands Global, Inc.

2.8. Applebee's Services, Inc.

2.9. Applebee's Franchisor LLC.

2.10. Applebee's Inc.

2.11. Applebee's Restaurants LLC., is a Tennessee Corporation. The Registered Agent for service of process for Applebee's Restaurants LLC, is Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

3. The owner of the real property is Appalachian Land & Leasing Company, Inc.

4. Applebee's Restaurants LLC, or the proper entity listed above, operates that Applebee's Restaurant which is located at 3066 Wilma Rudolph Boulevard, Clarksville, Tennessee 37043.

5. On January 15, 2019, the Plaintiff and her Husband visited the Applebee's Restaurant located at 3066 Wilma Rudolph Blvd, Clarksville, Tennessee 37043. The family visited the restaurant to eat supper. The restaurant's rug was maintained in a dark area, and was buckled and curled, and was not flat on the floor. The rug was not placed on the floor properly. The employees of Applebee's knew, or through the exercise of reasonable care, should have known of the condition of the rug as several customers had previously slipped,

tripped or fell due to the buckled and curled rug.

6. During the visit to Applebee's Restaurant, the Plaintiff tripped on a rug in the lobby area and fell due to the rug not being properly placed on the floor. It had been raining the day of the accident.

7. After the Plaintiff tripped and fell due to the buckled rug in the lobby area, a manager informed the Plaintiff that they had experienced problems with patrons slipping and tripping over the same rug prior to this incident.

8. A manager stayed with the Plaintiff prior to the Husband driving the Plaintiff to the Emergency Room. The Plaintiff suffered injuries.

9. The Plaintiff sought treatment for her injuries, and is undergoing physical therapy and has had x-rays and an MRI conducted due to injuries sustained from the fall. The Plaintiff most likely will undergo surgery in the future.

10. The Plaintiff's mobility is limited, and the Plaintiff is unable to do everyday activities at this time due to injuries sustained from the fall.

11. The Plaintiff is still currently treating for injuries and will require future treatment and therapy.

12. After the incident, the Plaintiff did not return to the restaurant. A Police Report was not made.

Count I- Strict Liability

13. Applebee's Restaurants LLC, is strictly liable for the safety of all customers while in their establishment, when the Company knows from prior accidents that the condition of the rug is a centering problem and presents a safety hazard for patrons.

Count II- General Negligence

14. Applebee's Restaurants LLC, was negligent in not removing the rug from the restaurant as the rug had created problems at the restaurant before. Applebee's

Restaurant LLC, is negligent for not ensuring the rug was laid flat on the floor properly for customers to walk on. Applebee's Restaurant is negligent for not replacing the rug with a new rug in the event that the edges of the rug were curled and/or frayed.

Count III- Negligent Supervision

15. Applebee's Restaurants LLC, was negligent in the supervision of it's establishment, and the safety of all patrons, as the restaurant knew the rug was a tripping hazard and this event was foreseeable, as incidents causing damages had occurred previously.

Count IV - Known Defects

16. Defendant Appalachian Land & Leasing Company, Inc., is sued for negligently allowing land with a known defect to be rented to the public. This was negligence on the part of Defendant Appalachian Land & Leasing Company, Inc.

WHEREFORE, premises considered, the Plaintiff respectfully prays for entry of a Judgment in the amount of \$250,000.00 against Applebee's Restaurants LLC, or the proper entity listed above, and Defendant Appalachian Land & Leasing Company, Inc. for the Plaintiff's medical bills incurred, and the Plaintiff's pain and suffering resulting from the negligence of Applebee's and their employees. Reasonable Court costs and any discretionary costs are also respectfully sought.

Respectfully submitted,



MARK R. OLSON, BPR No.: 11630
OLSON & OLSON, PLC
112 S. Second Street, Suite 200
Clarksville, Tennessee 37040
Telephone (931) 648-1517
Facsimile (931) 648-9186
Email molson@olsonplc.com
Attorney for Wanda Faye Grimes Cherry

COST BOND

I am surety for ordinary Court costs in this civil action, excluding discretionary costs, properly assessed against the Plaintiff.

OLSON & OLSON, PLC

BY: 

MARK R. OLSON, as a Member and
Individually

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